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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,824	01/25/2002	Thomas Schwengler	020366-080800US	4208

20350 7590 04/10/2003

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EXAMINER

LE, HOANGANH T

ART UNIT PAPER NUMBER

2821

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/057,824

Applicant(s)

SCHWENGLER

Examiner

HOANGANH LE

Art Unit

2821



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

### **DETAILED ACTION**

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, "the receiver" lacks a proper antecedent basis because there are three receivers recited.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-15 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by

Droessler et al (the US Patent No. 4,866,454).

The Droessler et al reference teaches in figure 1 a system for receiving electromagnetic and optical signals comprising: a first reflecting device 20 for reflecting the electromagnetic and optical signals 32,34; an electromagnetic receiver 14,18 for receiving the reflected electromagnetic waves, wherein the electromagnetic receiver comprises a second reflecting device 18 for reflecting the optical signals 34; and an optical receiver 40 for receiving the optical signals reflected from the electromagnetic receiver. The first reflecting device comprises a parabolic dish 20. The first reflecting device comprises a material to reflect the optical signals 34. The material comprises a mirror-like material. The first reflecting device comprises a material to reflect the electromagnetic signals 32. The material comprises a metallic material. The metallic material is polished to reflect optical signals. The optical signals comprise infrared signals. The electromagnetic signals comprise radio frequency signals. The electromagnetic signals comprise microwave signals. The second reflecting device comprises a material capable of reflecting optical signals. The material comprises a mirror-like substance. The first reflecting device reflects the electromagnetic and optical rays to a focus area, wherein the focus area includes the electromagnetic receiver 14. Figure 1 shows a transmitting system comprising an optical transmitter. The electromagnetic receiver is designed to transmit electromagnetic signals.

6. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Brusgard et al (the US Patent No. 5,214,438).

The Brusgard et al reference teaches in figure 3 a system for receiving electromagnetic and optical signals comprising: a first reflecting device 20 for reflecting the electromagnetic and optical signals 22,28; an electromagnetic receiver 12,24 for receiving the reflected electromagnetic waves, wherein the electromagnetic receiver comprises a second reflecting device 24 for reflecting the optical signals 28; and an optical receiver 30 for receiving the optical signals reflected from the electromagnetic receiver. The first reflecting device comprises a parabolic dish 20. The first reflecting device comprises a material to reflect the optical signals 28. The material comprises a mirror-like material. The first reflecting device comprises a material to reflect the electromagnetic signals 22. The material comprises a metallic material. The metallic material is polished to reflect optical signals. The optical signals comprise infrared signals. The electromagnetic signals comprise radio frequency signals. The electromagnetic signals comprise microwave signals. The second reflecting device comprises a material capable of reflecting optical signals. The material comprises a mirror-like substance. The first reflecting device reflects the electromagnetic and optical rays to a focus area, wherein the focus area includes the electromagnetic receiver 12. Figure 3 shows a transmitting system comprising an optical transmitter. The

electromagnetic receiver is designed to transmit electromagnetic signals (figure 3).

Regarding claims 16-23, the Brusgard et al reference teaches in figure 3 a system for receiving electromagnetic and optical signals comprising: a receiver 36,44 designed to receive the electromagnetic signals, wherein the receiver includes an aperture where the electromagnetic signals are received through; at least one lens 30 covering at least a portion of the aperture, wherein the lens is designed to bend the optical signals; at least one optical receiver 30 designed to receive the bent optical signals; and an electromagnetic receiver 12 designed to receive the electromagnetic signals received by the receiver. The receiver comprises a horn (col. 2, line 34). The optical signals comprise infrared signals. The electromagnetic signals comprise radio frequency signals. The electromagnetic signals comprise microwave signals.

### *Correspondence*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Hoanganh Le whose telephone number is (703) 308-4921.

8. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

9. Papers related to Technology Center 2800 applications **only** may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such

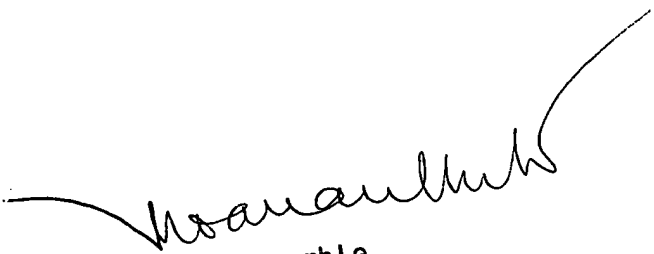
Application Serial Number: 10/057,824  
Office Action: 1

Art Unit: 2821  
File Paper Number: 6

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papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

Hoanganh Le  
Primary Examiner  
Art Unit 2821  
April 4, 2003

  
Hoanganh Le  
Primary Examiner